IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15415 of 2004

Between:

1 Enamala Ravi, S/o Ramaiah,
Navalakula Totalu, Nellore Town & District.
2 Rachuri Nageswara Rao, s/o Seshaiah,
Navalakula Totalu, Nellore Town & District.
3 Enamala Prabhakar, S/o Enamala Venkaiah,
Navalakula Totalu, Nellore Town & District.
4 Enamala Subramanyam, S/o Ramaiah,
Navalakula Totalu, Nellore Town & District.
5 Enamala Nageswara Rao, S/o Ramaiah,
Navalakula Totalu, Nellore Town & District.
6 Dasari Srinivasulu, S/o Dasari Venkataramanaiah,
Indupuru Village, Alluru Mandal,Nellore District.

... PETITIONERS

AND

Mandal Revenue Officer, Nellore.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of Mandamus declaring the action of the Respondent in issuing notices dated 14-7-2004 with respect to the lands admeasuring ac. 14.70 in survey No. 425 and Ac. 1.12 in survey No. 412 of Kodurupadu village, Hamlet of Gudipallipadu

Village,Nellore Rural Mandal and District belonging to the Petitioners as illegal irregular , arbitrary, unconstitutional, unjustified and unsustainable holding that the above said lands are the private Patta lands of the Petitioners and that the Respondent has no jurisdiction to interfere with the ownership of the Petitioners on the said lands.

Counsel for the Petitioners: MR.P.VEERA REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following Order:

ORDER:

By the impugned notice, petitioner was called upon to show cause why he should not be evicted under Rule 3 of A.P. Assigned Lands (Prohibition of transfers) Act1977 (for short 'the Act') from the lands, which he is in occupation. Without offering his explanation, the petitioner filed this Writ Petition contending that since the land belongs to one Mr. Jagannadha Rao, which changed hands, and ultimately he purchased the said property and since the land is a patta land, proceedings cannot be initiated under the provisions of the Act. Unless the petitioner offers his explanation to the show cause notice and substantiate that it is a patta land, this Court cannot presume that the land is a patta land and stall the proceedings initiated. It is always open for the petitioner to move the concerned authority, with evidence to show that initiation of proceedings under the Act is not at all warranted. In view of the same, I do not see any force in the submission made by the learned counsel that the issuance of notice is itself arbitrary and illegal. The Writ Petition is accordingly dismissed.

2. It is needless to add that on petitioner filing his explanation, the authorities are under obligation to conduct enquiry after due opportunity to the petitioner, whether such initiation of proceedings are warranted under the Act or not and in the event of any such adverse order being passed, the same should be communicated to the petitioner. Further proceedings can be taken only after expiry

of the appeal period.

_____

A. GOPAL REDDY, J

August 30, 2004

MRR

To:

1. Mandal Revenue Officer, Nellore.
2. Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
3. Two C.D. Copies.